



TEXAS
JUVENILE JUSTICE
DEPARTMENT

To: Camille Cain, Executive Director

Sean Grove, Chief of Staff

Thru: Terri Dollar, Director of Monitoring and Inspection Division

From: Carla Bennett-Wells, PREA Coordinator

Subject: TJJD PREA Year in Review- CY 2019

Date: December 9, 2020

This report has been prepared in accordance with §115.388 of the Prison Rape Elimination Act (PREA) to assess and improve the effectiveness of the Texas Juvenile Justice Department's sexual abuse prevention, detection, and response policies, practices, and training,

As of August 19, 2019, the Texas Juvenile Justice Department (TJJD) completed two rounds of PREA audits and all facilities operated by the TJJD have been audited at least twice by a DOJ certified PREA auditor. The final PREA audit reports can be found on the TJJD website under the PREA heading of the Youth Services Division.

The following tables include data the agency has collected to include all allegations of sexual abuse at state operated and contracted facilities for Calendar Year (CY) 2019. Additionally, the report includes comparison data from previous assessments for CY 2014, CY 2015, CY 2016, CY 2017 and CY 2018. It should be noted that the PREA Department data was categorized based upon definitions outlines within §115.5 and §115.6 of the Prison Rape Elimination Act to include but not limited to the following definitions:

Substantiated allegation: an allegation that was investigated and determined to have occurred.

Unsubstantiated allegation: an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Unfounded allegation: an allegation that was investigated and determined not to have occurred.

YOUTH ON YOUTH NON-CONSENSUAL SEXUAL ACT						
	CY 2014	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019
TOTAL NUMBER OF ALLEGATIONS	30	30	1	38	33	29
Substantiated	3	2	0	4	7	7
Unsubstantiated	22	22	1	21	13	11
Unfounded	5	5	0	11	10	7
Open Investigations	0	0	0	2	3	4

ABUSIVE SEXUAL CONTACT						
	CY 2014	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019
TOTAL NUMBER OF ALLEGATIONS	21	33	70	77	33	32
Substantiated	0	2	2	3	2	1
Unsubstantiated	20	23	23	48	18	15
Unfounded	1	8	14	22	8	13
Open Investigations	0	0	31	4	5	3

YOUTH ON YOUTH SEXUAL HARASSMENT						
	CY 2014	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019
TOTAL NUMBER OF ALLEGATIONS	173	89	160	119	87	51
Substantiated	6	3	2	2	4	2
Unsubstantiated	160	68	87	84	48	34
Unfounded	7	6	21	29	12	14
Open Investigations	0	0	50	4	23	1

STAFF SEXUAL MISCONDUCT						
	CY 2014	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019
TOTAL NUMBER OF ALLEGATIONS	39	43	67	119	116	69
Substantiated	0	0	2	5	0	4
Unsubstantiated	22	23	24	57	44	25
Unfounded	17	16	29	55	61	40
Open Investigations	0	0	12	2	11	0

STAFF SEXUAL HARASSMENT						
	CY 2014	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019
TOTAL NUMBER OF ALLEGATIONS	1	19	69	72	203	24
Substantiated	0	0	1	0	0	0
Unsubstantiated	0	12	27	42	104	18
Unfounded	1	5	29	28	85	8
Open Investigations	0	0	12	2	14	0

To effectively prevent, detect and respond to all allegations of sexual abuse and sexual harassment, the facilities and the TJJD's PREA Compliance Department will:

Prevention Planning

- Continue efforts towards PREA compliance for the agency by seeking to have 1/3 of all Texas Juvenile Justice Departments (TJJD) facilities audited each year in accordance with the Department of Justice (DOJ) 3-year PREA audit cycle. Current precautionary measures implemented to limit non-essential individuals at our facilities and reduce the spread of the COVID-19 pandemic within TJJD has impacted the agency's ability to adhere to the 3-year audit cycle. Thus, some PREA audits for the TJJD have been delayed or postponed until such time as it is safe to resume in-person auditing on our campuses.
- We will continue to monitor all residential facilities currently under contract with TJJD for the placement and treatment of TJJD youth to ensure compliance with PREA standards.
- Continue to utilize "Body Worn Cameras" for all youth development coaches (YDC) at each of the high restriction facilities for enhanced transparency and accountability in interactions between staff and youth
- Continue to utilize "safety plans" for vulnerable and/or predatory youth to enhance supervision and monitor behavior.
- Continue to conduct monthly PREA unannounced housing unit visits by facility supervisors, managers, PREA Compliance Managers and administrators on all shifts in order to identify and deter sexual abuse and sexual harassment within our facilities.
- Continue to maintain the limits to cross-gender supervision by ensuring that there are barriers in place to prevent staff of the opposite gender from being able to view breasts, buttocks and genitalia of youth during showers, clothing changes and restroom routines.

- Continue to determine shower rotations based on the physical plant design and layout (i.e, shower routine youth one at a time in group/ community shower design and two at a time in physical plant designs with individual showers.)
- Continue to assign youth seating in transportation vans during campus transports as well as off campus outing transports to deter incidents of sexual abuse.
- Continue to ensure that the Zero Tolerance and Break the Silence posters are displayed and visible throughout the facilities.
- Continue to ensure all deviations from a 1:8 or 1:16 PREA mandated staff to youth ratios are documented with appropriate justifications.
- Continue to ensure that the youth development coaches (YDC) maintain direct line of sight supervision of the youth at all times during waking hours.
- Continue to ensure that each youth is in their appropriately assigned room at bedtime.
- Continue to ensure "face to name headcounts" are being conducted consistently during every major movement and in accordance with agency policy.
- Continue the practice of conducting Criminal History Background Record Checks and Child Abuse Registry checks on all potential new employees, volunteers and contractors as well as annual background checks for all employees around the anniversary of their hire date with the agency.
- Continue to ensure staff of the opposite gender announce their presence when entering a dorm or sleeping area of a youth of the opposite gender.
- Continue to utilize surveillance video (live and archival) to conduct supervisory reviews weekly and document these reviews.
- Continue to seek potential resources to install additional cameras in facilities where "blind spots" have been identified
- Complete additional lighting installation outside facilities and halfway houses as identified through the Vulnerability Assessment Report (RMT 151).

Training and Education

- Continue to ensure that facility and halfway house staff are appropriately trained in PREA annually.
- Ensure that the required PREA training is updated when necessary to provide relevant information to help staff, volunteers and contractors promote a sexually safe environment within our facilities
- Continue to provide comprehensive PREA education by ensuring TJJD youth view the "Safeguarding your Sexual Safety" DVD, are provided with the PREA Script and instructed on how to report any sexual abuse, sexual harassment and sexual misconduct allegations via the hotline; telling a trusted adult, staff, volunteer, parent, or third party; writing a grievance and contacting the Office of the Independent Ombudsman (OIO).

- Ensure that all youth are afforded the same opportunities to benefit from the agency's reporting mechanisms by compensating for youth with cognitive and physical abilities as well as those that are limited English proficient (LEP).
- Ensure that staff and youth are educated regarding resources available through the local rape crisis centers for victims of sexual abuse
- Continue to utilize town hall and staff meetings for regular discussions on PREA-related topics.
- Ensure that all medical and mental health specialists complete required PREA specialized training.

Screening for Risk of Sexual Victimization and Abusiveness

- Continue to complete and implement the In-Take Screening Tool and Safe Housing Assessments along with periodic reassessments to improve the identification of vulnerable populations and help develop appropriate safety measures to mitigate sexual victimization and abusiveness.
- Continue the utilization of the Safe Housing Assessment and reassessments for each youth taking into account certain dynamics for each youth such as their age, physical stature, offense history, LGBTI status etc. for determining suitable housing and programming placements for youth.
- Continue to conduct quarterly and annual Facility Vulnerability Assessments and implement recommendations and corrective actions in order to remedy any identified deficiencies.

Official Response Following a Resident Report

- Continue to implement PREA protocols and exhaust all relative prevention measures in response to allegations of sexual abuse or sexual harassment.
- Execute all applicable PREA first responder duties to include the physical separation of victims from alleged perpetrators, the preservation of any forensic evidence and completing all required reporting notifications.
- Continue to ensure that youth receive all required medical & mental health assessments along with resources for immediate and long-term trauma informed care based upon the nature of the incident reported.
- Continue to monitor for at least ninety days after an allegation is received, youth victims and/or reporters of sexual abuse or sexual harassment, both staff and youth as warranted, in order to deter any adverse and disparate treatment of those individuals and protect them from retaliation.

- Continue to increase youth's willingness to report abuse by supporting a positive reporting environment with multiple internal and external reporting methods and prompts, including conducting thorough investigations.
- Continue to conduct Sexual Abuse Review Boards (SARB) on all substantiated and unsubstantiated incidents of sexual abuse, and substantiated cases of sexual harassment, to ensure that all recommendations to prevent, detect and respond to such incidents, are referred to facility and agency leadership for action and implementation.
- Continue to report and investigate all allegations of sexual abuse and sexual harassment.

Medical and Mental Care

- Continue to provide medical and mental health follow up services within 14 days of Intake to those youth who report a prior victimization or abusiveness for sexual abuse that may have occurred in another facility or in a community setting.
- Continue to ensure that all victims of sexual abuse are offered and/or provided trauma-counseling services by the facility's mental health professionals as well as through an outside local Rape Crisis Center or Advocacy agency.
- Ensure that victims of sexual abuse are provided with appropriate medical treatment, testing and resources, as needed.

As described, the PREA Compliance Program is committed to a culture that protects the youth we serve, and continues to invest resources to educate our youth, select and train our staff, improve our procedures, and upgrade our physical plants to support the prevention, detection, reporting and investigating of all forms of sexual abuse and sexual harassment.